

Site	SA28: Land South of The Old Police House, Birchgrove Road, Horsted Keynes SA29: Land south of St. Stephen's Church, Horsted Keynes
MIQ concerned	Matter 2 - Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA) 2.3 Do any adverse effects identified in the SA require significant mitigation , and how does the Plan address these issues?
Part of document deemed to be unsound	Allocation of SA28: Land South of The Old Police House, Birchgrove Road, Horsted Keynes Allocation of SA29: Land south of St. Stephen's Church, Horsted Keynes
Soundness criteria	Fails on: Justification and Consistent with national policy (positively prepared / justified / effective / consistent with national policy)
New Information available	New information has become available following Reg 19 consultation in Dec 2020, notably the submission of a planning application (DM/20/4692) for SA29 (application validated Jan 2021). Many responses to the application have been received by MSDC, and a <u>Holding Objection</u> was submitted by Horsted Keynes Parish Council (HKPC) (Appendix 1). In addition, following the Reg 14 consultation of the Horsted Keynes Neighbourhood Plan HKNP (Nov / Dec 2020), Horsted Keynes Parish Council has <u>withdrawn support</u> for the MSDC Site Allocations DPD (minutes of Council meeting (30/3/21) – Appendix 2). This is following comments made by a large proportion of the respondents regarding site SA29 (Appendix 3 - responses to HKNP Reg 14 consultation), and notably here, the lack of protection for the trees on and proximal to the site, and the failure to provide substantive mitigation for the ecological impact.
Reasons for failure	The allocation on sites in the AONB on greenfield sites in Horsted Keynes (SA28 for 25 houses, and SA29 for 30 houses) create adverse effects that require significant mitigation. Meaningful mitigation is not possible on the sites due to the <u>high density</u> of houses being proposed. As a result, the allocation of sites within the AONB is not justified. The mitigation measures proposed in DPD1 (SA28 DPD1 page 80/81, and SA29 DPD1 page 82/83) do not enable the sites as proposed to 'enhance the landscape' as required by NPPF Section 15 paragraph 172, or to adhere to other policies including those in the AONB Management Plan. The draft allocation of site SA29 has encouraged the site promoter to submit a premature application on the site DM/20/4692. This has had the benefit of showing in detail how 30 houses would be accommodated on the medieval greenfield site of 1.13ha (giving more detail than was available in the Site selection Library SA29.1 to SA29.6). This application has also had the added benefit of showing how the mitigation measures proposed in DPD1 would be accommodated in addition to the housing on SA29. The objectives of the site are to: <i>'To deliver a high quality, <u>landscape led, sustainable</u> extension to Horsted Keynes, which respects the character of the village and the <u>High Weald AONB</u>, and which is comprehensively integrated with the settlement so residents can access existing facilities'</i> . Given the site is within the AONB and on a greenfield site, mitigation of landscape, and ecology/biodiversity should be of the utmost importance.

The pertinent mitigation measures proposed to justify the allocation of SA29 (DPD1 page 82/83) are summarised below:

- Concentrate higher density development towards the northern part of the site, with a lower density around the edges to create a suitable transition with the countryside
- Ensure that the site layout, capacity and landscape mitigationin order to conserve and enhance the landscape of the High Weald AONB.
- Identify and protect important views into and out of the site with proposals laid out so that views are retained and, where possible enhanced
- Retain and enhance important landscape features, mature trees and hedgerows Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.
- protect the rural setting of the Grade II listed Wyatts
- Archaeological Assessment and appropriate mitigation
- biodiversity and landscape enhancements within the site connecting to the surrounding area
- Conserve and enhance areas of wildlife value and ensure there is a **net gain** to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss.
- Incorporate SuDS within the Green Infrastructure to improve biodiversity and water quality
- Investigate opportunities to **set the access away from the trees on the site boundary to protect the existing trees**
- Improve local traffic conditions by setting back the existing on-street parking spaces in Hamsland into the verge opposite the site.

At present, these fine intentions appear to be nothing but “window dressing”. The all but complete disregard of the above issues in the current planning application (DM/20/4692), which seeks to deliver the proposed SA29 allocation of 30 dwellings on the site, has led Horsted Keynes Parish Council to submit a holding objection to the application (Appendix 1) citing the over-development of the site, with little or no ecological continuity, an unsuitable SUDS drainage solution, and attendant risks to perimeter tree screening. In addition, the Parish Council has withdrawn its support for the SA29 30 dwelling site allocation, following representations made at the Regulation 14 consultation on the draft Neighbourhood Plan (Appendix 2 and Appendix 3).

Many residents of Horsted Keynes have put in representations to the planning application DM/20/4692, and these can be found on MSDC’s planning portal. I attach my own submissions in Appendix 4, Appendix 5 and Appendix 6. These comments highlight the constraints of the access of the site, the threat to the ecology and environment from the housing density, and also the over development of the site in general.

Responses express significant concern that no mitigation has been considered for the cumulative impact on the local road network. This is the subject of my statement to the inspector in both 3.3 (ii) and 3.3 (v) for SA29, so these statements should be read in conjunction with this representation.

Please also refer to the individual representation made in respect of the planning application DM/20/4692 by Paul Fairbairn (Appendix 7). There is considerable concern over the inaccuracies of the Transport Statement supporting the application (and relied on in the as document SA29.4 in the SADPD Evidence Library). Little attention has been paid to the substantial cumulative impact the development would have on the local road network, and especially the western portion of Hamsland, which is the only access road to the site. This is essentially a single-track road over an extensive length, due to existing parking stress, that already serves around 120 homes (about 25% of the village of Horsted Keynes). This is a substantial impact that has not been addressed by the site allocations DPD, even after multiple representations made to the statutory SADPD consultations at Reg 18 (Appendix 8, Appendix 9) and Reg 19, and further representations made to Horsted Keynes Neighbourhood Development Plan Reg 14 consultation (Appendix 10 and Appendix 11).

MSDC has failed to follow its own process of identifying constraints through consultation and responding, and being seen to respond, to that consultation by providing effective mitigation measures to address these constraints. There are substantial constraints on site SA29 that have not been recognised or addressed in the justification of the allocation of 30 dwellings on site SA29.

For instance, the allocation of site SA29, at any scale, is dependent on access down a narrow strip that borders mature trees, whose tree root zone will be severely impacted by any access road and buried site services. This challenge has been identified on multiple occasions, but both MSDC and the developer have sought to gloss over this important factor when continuing to propose the allocation of 30 dwellings on site SA29. Ultimately it has fallen to the MSDC Trees Officer to cause both MSDC and the developer to engage, by raising concerns to the planning application DM/20/4692. It cannot be right that a repeatedly-raised topic of this significance can be ignored, and is only addressed at the last possible line of defence within the planning process.

Setting an appropriate housing density can go some way to address mitigation of loss of biodiversity and environmental impact on sites within the AONB.

Specifically, for the two greenfield sites proposed in Horsted Keynes (SA28 and SA29), the housing densities currently proposed are:

- SA28: 25 houses on 1.23 ha, equalling 20.3 houses per ha
- SA29: 30 houses on 1.13 ha, equalling 26.5 houses per ha

The premature planning application for Site SA29 has shown that a housing density of 26.5 houses per ha, as proposed in the draft SA29 site allocation, does not allow adequate provision of meaningful mitigation measures in the AONB, primarily due to lack of green space. It is presumed that the housing density for site SA28, albeit slightly reduced (20.3 houses per ha), is similar in its impacts, especially given that added mitigation measures should be provided to protect the setting of the grade II listed building 'Lucas', directly opposite the site, and the setting of PROW that runs across the centre of the site.

Whilst a density of above 25 houses per ha does make efficient use of land, this clearly creates a compact and generally hard urban form of development with little space to assist in other sustainability objectives such as biodiversity. This (and higher multi-storey) density may be appropriate in urban areas, the evidence of application DM/20/4692 shows clearly that the resulting tightly packed form is not appropriate on the perimeter of a rural village within the AONB.

	<p>The draft allocation of the site SA29 requires the promoter to: <i>'Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss'</i>. It is challenged here that sites in the AONB should not be allowed to 'compensate for any loss' to biodiversity. The AONB is a landscape of importance and as such regarded with the highest protection in planning policy. How can a compensation value be assigned to a loss of biodiversity in such an area?</p> <p>If SA29 were to be allocated for development, no amount of <u>high quality design will be able to mitigate the adverse environmental impacts of seeking to shoehorn 30 dwellings into this site - and I therefore contend that the proposed development of 30 dwellings on SA29 is not sustainable.</u></p> <p>In contrast the SADPD proposed only 6 dwellings on site 68, Jeffreys Farm Buildings, a previously developed site of 0.75ha – this equates to only 8 houses per ha. This previously developed land is well able to accommodate a denser level of housing, and certainly not less, as currently assumed in the SSP3 assessment of site 68. Site 68 has extensive existing built form and hardstanding, and could certainly accommodate more houses. The earlier AONB low impact assessment was for 18 dwellings, which seems more appropriate, representing a density of 13.5 dwellings per ha.</p> <p>To summarise the Site Allocations DPD does not adequately identify or address the <u>adverse effects</u> of developing on green fields in the AONB. Housing densities proposed on allocated sites (using SA29 as an example here) do not provide space for mitigation measures proposed, resulting in an increased threat to biodiversity in what should be a highly protected environment. More significant mitigation should be proposed for sites within the AONB.</p> <p>In addition to the need for effective environmental mitigation, suitable mitigation for the cumulative impact on traffic flow of allocated developments in a rural village needs to be addressed. To date, this has been ignored in Horsted Keynes, despite the concerns being raised at multiple consultations regarding the evident <u>adverse effects</u>. Supporting documentation for site allocations (here citing transport statements) should be assessed with a higher level of due diligence than has been for the current draft allocations to assess the true constraints of site access. For the example of SA29, significant mitigation should be addressed in the draft allocation, in order for the access to the site to be deemed safe and achievable.</p>
<p>Reference to other DPD documents</p>	<p>O3 – National Planning Policy Framework O4 - AONB Management plan DPD1</p>
<p>How could the document be made sound?</p>	<p>A rural development capacity study should be undertaken focusing on the capacity of AONB sites on the perimeter of rural villages. Consideration should be given to site existing use (Green field / brownfield) and allocation numbers should be adjusted to allow sites to achieve the proposed significant mitigation measures outlined in the site allocations.</p> <p>The proposed housing numbers on sites in Horsted Keynes should be revisited, both those proposed for allocation in the draft SADPD and those screened out</p>

	<p>in SSP3, in order to understand if they can accommodate the proposed housing numbers. This needs to consider the site's AONB location, and a better understanding of whether the mitigation stated by MSDC to be required is capable of being delivered within the site for the density that is proposed for that site.</p> <p>If a site is greenfield and on the edge of the village, the density should reflect a transition to open countryside rather than a hard built form boundary. If sites are previously developed they may be able to accommodate a greater density of development, informed by the existing built form and scale on the site.</p> <p>The density proposed for the sites proposed for allocation in Horsted Keynes does not allow for the substantive and effective mitigation of the loss of a green field meadow in the AONB. AONB objectives state that '<i>Local habitats and species should be protected and enhanced as appropriate and conditions applied to prevent loss of existing habitats including hedgerows (AONB Management Plan objectives G3, R2, W1, W2, FH2, and FH3)</i>'.</p>
<p>What is the precise change that is sought?</p>	<p>2.3 poses the Question: "Do any adverse effects identified in the SA require significant mitigation, and how does the Plan address these issues?"</p> <p>The site capacity of both site SA28 and SA29 should be substantially reduced to address the adverse effects of development in the AONB on greenfield sites of medieval age. Decreasing the housing capacity on these sites will increase the ability of the sites to provide more meaningful and significant mitigation on the landscape, habitat and biodiversity, and will also reduce the development's impacts on traffic flow. In the example of both SA28 and SA29, the reduction in the density of housing on the sites would also reduce the impact on the edge of village location in the AONB, blending better in to the open countryside beyond. Site SA29 should not be allocated for development if it cannot be demonstrated conclusively that the long-term integrity of the trees on site (especially along the proposed access) can be <u>guaranteed</u>.</p>
<p>Appendices</p>	<p>Appendix 1 - Holding objection to application DM/20/4692 on SA29 by Horsted Keynes Parish Council in 3 parts:- https://padocs.midsussex.gov.uk/PublicDocuments/00759920.pdf https://padocs.midsussex.gov.uk/PublicDocuments/00759917.pdf https://padocs.midsussex.gov.uk/PublicDocuments/00757401.pdf</p> <p>Appendix 2- minutes of Parish Council meeting withdrawing support for the MSDC Site Allocations DPD (30/3/21) https://horstedkeynesparishcouncil.com/wp-content/uploads/2021/05/EGM300321PCMinsfinal.pdf</p> <p>Appendix 3 - Responses to Reg 14 consultation of the Horsted Keynes Neighbourhood Plan https://horstedkeynesparishcouncil.com/wp-content/uploads/2021/01/20210107-HKNDP-Summary-of-Representations-1.pdf</p> <p>Appendix 4 – Response to planning application DM/20/4692 by Helena Griffiths regarding environmental impact of the proposed development https://padocs.midsussex.gov.uk/PublicDocuments/00754562.pdf</p> <p>Appendix 5 – Response to planning application DM/20/4692 by Helena Griffiths regarding scale of the proposed development https://padocs.midsussex.gov.uk/PublicDocuments/00754851.pdf</p> <p>Appendix 6 - Response to planning application DM/20/4692 by Helena Griffiths regarding accessibility of the site https://padocs.midsussex.gov.uk/PublicDocuments/00753487.pdf</p>

Appendix 7 - Response to planning application DM/20/4692 by Paul Fairbairn regarding the accessibility of the site

<https://padocs.midsussex.gov.uk/PublicDocuments/00757174.pdf>

Appendix 8 - Helena Griffiths Reg 18 Representation

APPENDIX SENT AS EMAIL ATTACHMENT

Appendix 9 - Paul Fairbairn Regulation 18 representation.

APPENDIX SENT AS EMAIL ATTACHMENT

Appendix 10 - Helena Griffiths Reg 14 representation (page 122-156)

<https://horstedkeynesparishcouncil.com/wp-content/uploads/2021/01/20210107-HKNDP-Summary-of-Representations-1.pdf>

Appendix 11 - Paul Fairbairn Regulation 14 representation (pages 157-187)

<https://horstedkeynesparishcouncil.com/wp-content/uploads/2021/01/20210107-HKNDP-Summary-of-Representations-1.pdf>